

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 22-02444-MWF (RAOx)

Date: March 1, 2024

Title: Phoebe Powell v. Alejandro Mayorkas

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:
Rita Sanchez

Court Reporter:
Not Reported

Attorneys Present for Plaintiff:
None Present

Attorneys Present for Defendant:
None Present

Proceedings (In Chambers): ORDER TO SHOW CAUSE RE: DOCUMENT SEALING

On February 26, 2024, Defendant Alejandro Mayorkas filed an Ex Parte Application to Strike Protected Material from Plaintiff's Opposition to Defendant's Motion for Summary Judgment (the "Application"). (Docket No. 28). Specifically, Defendant seeks to strike pages 144–96 of Exhibit 1 of Plaintiff's Opposition to Defendant's Motion for Summary Judgment. (Docket No. 27-1).

"In this circuit, we start with a strong presumption in favor of access to court records. The common law right of access, however, is not absolute and can be overridden[.]" *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003) (citations omitted). A party seeking to seal documents attached to dispositive motions (or motions that are more than tangentially related to the merits) must show "compelling reasons" for doing so. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1099 (9th Cir. 2016) (instructing that the compelling reasons standard applies where "the motion at issue is more than tangentially related to the underlying cause of action"). Here, the relevant motion is for summary judgment. Therefore, compelling reasons must support the Application.

Defendant argues that there is good cause to grant the Application. (Application at 1). "A 'good cause' showing alone will not suffice to fulfill the 'compelling reasons' standard that a party must meet to rebut the presumption of public access to

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dispositive [motions] and attachments.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006).

Accordingly, the Court **ORDERS** Defendant to **SHOW CAUSE** (“OSC”), in writing, by **March 5, 2024**, why pages 144–96 of Exhibit 1 of Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment, (Docket No. 27-1), should be sealed under the “compelling reasons” standard.

IT IS SO ORDERED.